

IN RE: DEV. PLAN HEARING & PETITIONS	* BEFORE THE HEARING OFFICER/
FOR SPECIAL HEARING & VARIANCE	
SE/S Philadelphia Road, SW of	* ZONING COMMISSIONER
King Ave, SW of Middle River Rd.	
15h Election District	* OF BALTIMORE COUNTY
5th Councilmanic District	
Legal Owner: ROC Enterprises,	* Case No. XV-654 & 96-415-SPHA
Group, LLC	
ROC Enterprises Group, LLC,	*
Developer	

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined hearing, pursuant to the authority provided by Section 26-206.1 of the Baltimore County Code. Favorable consideration by the Hearing Officer is requested of the Red Lined development plan (Developer's Exhibit No. 1), which depicts the proposed development of the subject site. That plan, prepared by Daft, McCune, Walker, Inc. shows proposed construction on the subject site of 3 warehouse buildings, totalling 220,000 sq. ft. Consideration of the development plan is coupled with Petitions for Special Hearing and Variance. Special Hearing relief is requested to approve off-street industrial parking in a residential zone pursuant to Section 1B01.1.B.1.e(2) of the Baltimore County Zoning Regulations (BCZR). Three variances are necessary. They are:

1. A variance from Section 250.4 of the BCZR to permit structures to be as close as 12 ft. from an internal residential zone line in lieu of the required 100 ft.,
2. A variance from Section 250.6 of the BCZR to permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25 ft. setback, and
3. A variance from Section 1B01.1.B.1.c(1) of the BCZR to modify the amount of Residential Transition Area (RTA) by permitting the buffer and parking setback to be as close as 30 ft. from the tract boundary, in lieu

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Date

By

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of the 50 ft. buffer and 75 ft. setback required.

As to the history of the project, a Concept Plan was initially submitted on June 12, 1995. As required by the development regulations, a Community Input Meeting was conducted on July 12, 1995 at the White Marsh Library. Thereafter, the Development Plan was submitted and a conference was held thereon on May 1, 1996. The Hearing Officer/Zoning Commissioner's hearing was scheduled and conducted in its entirety on May 30, 1996 at 9:00 A.M. in Room 118, Old Court House.

Appearing at the requisite public hearing was Bernard Ruocco on behalf of ROC Enterprises Group, LLC, Developer/Petitioner/property owner. Also present on behalf of the Developer/Petitioner was Ed Haile, George Gavrelis, and Charles Main from Daft, McCune, Walker. C. Richard Moore, a traffic expert from Wells and Associates, also appeared. The Developer/Petitioner was represented by Robert A. Hoffman, Esquire.

Also present were representatives of the various Baltimore County agencies who evaluated the project. These included David Flowers, the Project Manager, John Lewis and Bob Bowling from the Office of Permits and Development Management (PDM), R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM), and Steve Mandras from State Highway Administration.

Interested citizens who appeared at the hearing were Robert and Della Maranto, Glenn Rutkowski and Clinton Magsamen.

An examination of Petitioner's Exhibit No. 1 shows that the subject property is an L shaped lot approximately 30.52 acres in area. The site is largely zoned M.L.-I.M. (22.92 acres), with a small portion of M.L.R.-I.M. zoning (5.27) acres and D.R.5.5 (2.33) The property contains frontage on both Philadelphia Road (Md. Route 7) and Middle River Road. Presently, the site is unimproved.

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The Developer proposes constructing three warehouse buildings on the property. Two of the buildings will be in that portion of the property closest to Philadelphia Road and vehicular access will be provided therefrom. The largest building will be constructed near the proposed Middle River Road access. The buildings will be leased so as to provide storage facilities for companies and businesses. The proposed use is permitted by right in the M.L.-I.M. zone. The surrounding area contains mixed uses. There are some single family dwellings in the immediate area of the subject site and the community of Kings Court is located nearby. However, the surrounding locale does feature some business/commercial/industrial use, including a shopping center and several small commercial operations.

The hearing was bifurcated to first consider the merits of the development plan. As required by Section 26-206 of the Code, I, as Hearing Officer, asked the participants at the hearing to identify any open issues or unresolved development plan comments. In this regard, Mr. Hoffman, on behalf of the Developer, indicated that there were no development plan issues outstanding. He did indicate that there were several small refinements to the plan necessary to reflect the fact that water service to the site is available, that a small area within the forest buffer would be utilized to provide amenity open space for employees of the buildings and that, pursuant to the agreement reached by the Developer with Mr. Lewis of PDM, no separate site development plan will be submitted, as would be required by Section 252 of the BCZR. But for these minor revisions, Mr. Hoffman averred that the plan was in compliance with all County regulations, policies and procedures. Mr. Hoffman's proffer was corroborated by the agency representatives who were present. These representatives indicated that the plan was appropriate and complied with their respective agency requirements. Although raising several questions relating to the

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plan, the Protestants did not identify any outstanding or unresolved issues or objections.

Based on testimony and evidence presented, it is clear that the development plan should and must be approved. I hereby find that the plan is in compliance with all development policies, regulations and procedures promulgated by Baltimore County. As such, the development plan should and must be approved.

As to the zoning relief, Mr. Hoffman proffered the testimony of George Gavrelis, an expert land planner from Daft, McCune, Walker, Inc. The Petition for Special Hearing is necessary because of the small portion of D.R.5.5 acreage near the Philadelphia Road frontage of the site. In this regard, Mr. Hoffman indicated that a portion of that acreage would be utilized for a parking lot. The lot will park passenger automobiles only and will be appropriately setback and buffered from Philadelphia Road. In my judgment, the Petition for Special Hearing should be granted, in that it is clear that utilization of the site in that manner will not be detrimental to the health, safety or general welfare of the locale.

Zoning variances also spring from the internal D.R.5.5 zone line. As described above, certain setbacks are required from the D.R.5.5 acreage. Strict adherence to those regulations, in this case, would be unduly burdensome and cause the Petitioner practical difficulty. Moreover, relief can be granted in this regard without detriment to the surrounding locale. For these reasons, I find that the Petitioner has complied with Section 307.1 of the BCZR relating to variances and the case law.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the develop-

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Date

By

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ment plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County this 5TH day of June 1996, that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for off-street industrial parking in a residential zone, pursuant to Section 1B01.1.B.1.e(2) of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section from Section 250.4 of the BCZR to permit structures to be as close as 12 ft. from an internal residential zone line in lieu of the required 100 ft.; and,

IT IS FURTHER ORDERED that a variance from Section 250.6 of the BCZR to permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25 ft. setback; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.1.B.1.c(1) of the BCZR to modify the amount of Residential Transition Area (RTA) by permitting the buffer and parking setback to be as close as 30 ft. from the tract boundary, in lieu of the 50 ft. buffer and 75 ft. setback required, be and is hereby GRANTED; and,


IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

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Date

By

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

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Date

By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 4, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. XV-654 and 96-415-SPHA
Development Plan Order & Petitions for Special Hearing & Variance
Project: Ruocco property
Applicant/property owner: ROC Enterprises Group, LLC
Developer: ROC Enterprises Group, LLC

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petitions for Special Hearing and Variance have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Mr. Bernard Ruocco, 2 Southerly Road, Su 404, Towson, Md. 21204
c: Mr. David C. Flowers, Project Manager

MICROFILMED





Petition for Special Hearing

427

to the Zoning Commissioner of Baltimore County

for the property located at South side Philadelphia Road approximately
780 feet west of Middle River Road

96-415-5PHA

which is presently zoned DR5.5, ~~RM~~, ~~MD~~

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

off-street industrial parking in a residential zone, Section 1B01.1.B.1e(2).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

DROP-OFF
No REVIEW
#5/1/96
WCR

Zoning Administration
& Development Management

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

ROC Enterprises Group, LLC

(Type or Print Name)

By:
Signature

Bernie Ruocco, Member

(Type or Print Name)

Signature

2 Southerly Rd.
Suite 404

Address

337-0340

Phone No.

Towson

City

MD

State

21204

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



Petition for Variance

to the Zoning Commissioner of Baltimore County

427

for the property located at South side Philadelphia Road approximately
780 feet west of Middle River Road

96-415-SPHA

which is presently zoned DR5.5, ~~ML~~, ~~NR~~

This Petition shall be
filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

See Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

to be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Phone No

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

ROC Enterprises Group, LLC

(Type or Print Name)

By:

Signature

Bernie Ruocco, Member

(Type or Print Name)

Signature

2 Southerly Road

Suite 404

Address

337-0340

Phone No.

Towson

MD

21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

DROP-OFF
NO REVIEW
5/1/96 LCR

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Zoning Administration
Development Management

VARIANCES/MODIFICATIONS

96-415-SPHA

1. Section 250.4 -- To permit structures to be as close as 12 feet from an internal residential zone line in lieu of the required 100-foot setback.
2. Section 250.6 -- To permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25-foot setback.
3. Section 1B01.1B.1c(1) -- To modify the amount of RTA by permitting the buffer and parking setback to be as close as 30 feet from the tract boundary in lieu of the 50-foot buffer and 75-foot setback required by Section 1B01.1B.1e(2).

TO1DOCS1/BAW01/0023757.01

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Description 96-415-SPHA
 To Accompany Petition for
 Zoning Variance and Special Hearing
 1.941 Acre Parcel
 Southeast Side of Philadelphia Road
 Southwest of King Avenue



Daft McCune Walker, Inc.
 200 East Pennsylvania Avenue
 Towson, Maryland 21286
 410 296 3333
 Fax 296 4705

*A Team of Land Planners,
 Landscape Architects,
 Engineers, Surveyors &
 Environmental Professionals*

Beginning for the same on the southeast side of Philadelphia Road (Maryland Route 7) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Philadelphia Road with the centerline of King Avenue (1) South 48 degrees 40 minutes 19 seconds West along the centerline of Philadelphia Road 75 feet, more or less, and thence (2) South 41 degrees 19 minutes 41 seconds East 35 feet to the point of beginning; thence leaving said beginning point (1) South 40 degrees 55 minutes 03 seconds East 168.10 feet to intersect the zoning line separating the DR-5.5 zone from the MLR-IM zone as shown on the 1992 Comprehensive Zoning Map of Baltimore County, thence binding thereon the two following courses and distances, viz: (2) South 48 degrees 18 minutes 35 seconds West 490.13 feet, and thence (3) North 46 degrees 27 minutes 29 seconds West 171.88 feet to intersect the aforementioned side of Philadelphia Road, thence binding thereon (4) North 48 degrees 40 minutes 19 seconds East 506.69 feet to the point of beginning; containing 1.941 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE

April 30, 1996

Project No. 95024.D (L95024D)



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757

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

96-4115-51P4A

District 12th Date of Posting 5/11/96

Posted for: Special Hearing & Variances

Petitioner: ROC Entertainment Group, LLC

Location of property: 5415 Phil Rd., 5th Floor, 5415 Midtown Plaza, PO

Location of Signer: Facing 5400 S. 5th St. by 5th St. & 5th St.

Remarks: _____

Posted by: [Signature] Date of return: 5/12/96

Number of Signs: 1 MICROFILMED

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

XV-654

District 15th Date of Posting ~~4/27/96~~ 5/1/96
Posted for: May 30, 1996 7:07H
Petitioner: ROC Enterprises Group LLC
Location of property: SE 1/2 Philadelphia Rd., SW of Middle River Road
"Rocco Property aka Philadelphia Rd Property"
Location of Signs: File # 200 Subj on Property being posted

Remarks: _____

Posted by _____

[Signature]
Signature

Date of return: ~~5/3/96~~ 5/3/96

Number of Signs: 1

UNRECORDED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 013537
ITEM #427

drop-off - no review
001-6150

DATE 5/1/96

ACCOUNT

(C)
AMOUNT \$ 570.00 (WCR)

RECEIVED
FROM:

Venable, Baetjer & Howard

#040 - COMM. SPEC. HEARING - \$250.00

#020 - COMM. VARIANCE - \$250.00

FOR: #080 - SIGN POSTING (2) - \$ 70.00

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S/S Philadelphia Road
13471 Industrial Blvd
Knuocco Property
BA Coll: 32AM05-01-96

\$570.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

96-415

TO: PUTUMENT PUBLISHING COMPANY
May 9, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormrod
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-415-SPHA
SE/S Philadelphia Road , SW of King Avenue, SW of Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): ROC Enterprises Group, LLC

Special Hearing to approve off-street industrial parking in a residential zone.
Variance to permit structures to be as close as 12 feet from an internal residential zone line in lieu of the required 100 foot setback; to permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25 foot setback; and to modify the amount of RTA by permitting the buffer and parking setback to be as close as 30 feet from the tract boundary in lieu of the 50 foot buffer and 75 foot setback required.

HEARING: THURSDAY, MAY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING

Project Number: XV-654
Project Name: Ruocco Property aka Philadelphia Road Property
Location: SE/S Philadelphia Road, SW of Middle River Road
Acres: 30.52
Developer: ROC Enterprises Group LLC
Proposal: Commercial Warehouse and Storage 329,000 sq. ft.

and

CASE NUMBER: 96-415-SPHA
SE/S Philadelphia Road, SW of King Avenue, SW of Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): ROC Enterprises Group, LLC

Special Hearing to approve off-street industrial parking in a residential zone.
Variance to permit structures to be as close as 12 feet from an internal residential zone line in lieu of the required 100 foot setback; to permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25 foot setback; and to modify the amount of RTA by permitting the buffer and parking setback to be as close as 30 feet from the tract boundary in lieu of the 50 foot buffer and 75 foot setback required.

HEARING: THURSDAY, MAY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: ROC Enterprises Group, Inc.
Robert A. Hoffman

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- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 28, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 427
Case No.: 96-415-SPHA
Petitioner: ROC Enterprises

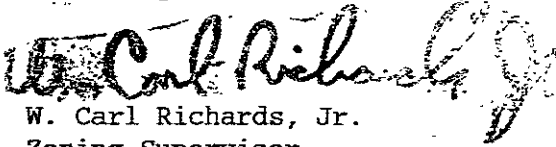
Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 1, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: May 20, 1996

FROM: *Put* Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for May 20, 1996
Item No. 427

The Development Plans Review Division has reviewed the subject zoning item. The future 70-foot right-of-way for Yellow Brick Road as shown on the plan is acceptable, but the proposed grading along the parking areas, and the private stormwater management facility must be compatible with the future grade along Yellow Brick Road.

As shown, the grading along the proposed parking lot at the Yellow Brick Road right-of-way would require a retaining wall.

The County does not want increased expenditures on unnecessary improvements.

See the Highway Design Section of the Bureau of Engineering for the profile grade along the future Yellow Brick Road.

A full review of the submitted Schematic Landscape Plan will be provided by this office at the Development Plan stage.

RWB:HJO:jrb

cc: File

ZONE10B

RECEIVED
MAY 21 1996

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director May 16, 1996
Zoning Administration and
Development Management

FROM: Patricia M. Farr *PMF/dms*
DEPRM

SUBJECT: Zoning Item #427 - Ruocco Property
South side of Philadelphia Road
Zoning Advisory Committee Meeting of May 13, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

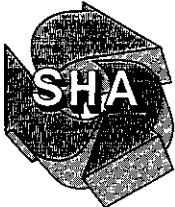
Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

All development plan review comments made by this Department at the 5/1/96 Development Plan Conference must be fully addressed prior to approval of the plan by the Hearing Officer.

PMF:GS:sp

RUOCC02/DEPRM/TXTSBP

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

May 21, 1996

Ms. Joyce Watson
Baltimore County Office of
Permits and Development
Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 7 (Southeast Side)
Ruocco Property
70' Southeast of
King Avenue
Special Hearing and
Variance Request
Item #427
Mile Post 4.49

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our recent review of the development plan for the subject development and in our April 30th letter to Mr. Donald T. Roscoe, Development Manager for Baltimore County, we indicated we cannot support approval of the plan and will not issue an access permit for entrance construction until we receive a traffic impact analysis and updated plans indicating line of sight profile data at the proposed entrance located on MD 7.

As of the date of this letter, we have not received the updated plans or traffic impact study submittals.

Although we have no objection to approval of the special hearing and variance request as submitted, our aforementioned development plan comments indicated in our April 30th letter remain valid.

Should you have any questions, please contact Bob Small of this office at (410) 545-5581.

Very truly yours,

1 Ronald Burns, Chief
Engineering Access Permits
Division

BS/maw

cc: Mr. Charles Main (410) 545-5600

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ROC ENTERPRISES GROUP, LLC

Location: SE/S PHILADELPHIA RD. (ROUTE 7), 70' SW OF CENTERLINE
KING AVE. (RUOCCO PROPERTY, FKA PHILADELPHIA ROAD PROPERTY)

Item No.: 427

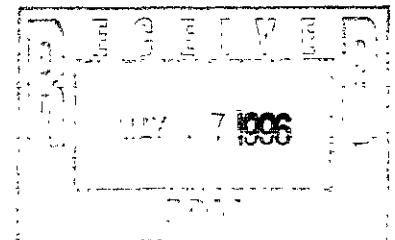
Zoning Agenda: SPECIAL HEARING / VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 20, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #427)
Ruocco Property
(AKA Philadelphia Road Property)
15th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Replace the zone line designations as shown on the CPC plan. Due to manifold zone lines on and adjacent to the site, clear labeling of all zone lines within 200 feet of the site is required for zoning review.
2. The provided zoning description only covers the special hearing (D.R.-5.5 zoned) area. Variances for building and parking setbacks are not within this area. A second description for the M.L.R. variances is required to complete the filing application.
3. The petition for variance will also require a change to the zoning designation shown as D.R.-5.5 only.

MICROFILMED

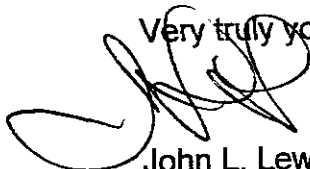


Robert A. Hoffman, Esquire
May 20, 1996
Page 2

4. Dimension all setbacks being varianced at their location on the plan.
5. The 100-foot RTA area must also be labeled and shown. Label and dimension the 75-foot RTA setbacks and the 50-foot RTA buffers. Provide and designate on the plan print the required and applicable RTA buffers with a conspicuous bold line around the boundary and remove all other uses, except those drives as permitted under the CMDP.
6. Correct blocked parking, which does not comply with Section 409.4 (BCZR) as stated on the comments to Mr. Ed Haile and Robert Hoffman. Show the off-street parking for the M.L. zoned building.
7. Note if all or part of the site is, or is not, in a 100-year flood plain. If so, show the limits and list any necessary actions to resolve the issue.
8. Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with the BCZR, Section 413 and all zoning sign policies or a zoning variance is required. Correct sign note #18 (0.13 acres?).
9. Be aware that these comments only address the basic zoning petition filing application issues and are not intended to supersede the development plan comments of 5/1/96. Both the zoning and development plans must be in agreement.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,



John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner
David Flowers, Project Manager

MICROFILMED

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

427
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
410-494-6201

April 30, 1996

Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Legal Owner: ROC Enterprises Group, LLC
Property Location: South side Philadelphia Road
approximately 780 feet west of Middle River Road
Petition for Special Hearing and Variance

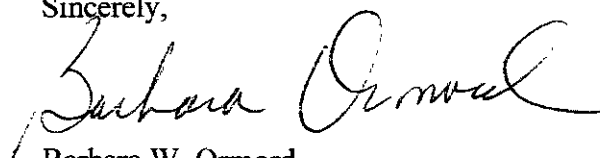
Dear Mr. Richards:

I am hereby drop filing the enclosed Petitions for Special Hearing and Variance with regard to the above captioned property. This request is being submitted in response to the Development Plan comments made by John Lewis (File No. XV-654). Also, pursuant to Zoning Enforcement, there are no outstanding zoning violations on site. Enclosed for submittal are the following documents:

1. Petition for Variance (3)
2. Petition for Special Hearing (3)
2. Zoning description (3)
3. 200' scale zoning map (1)
4. Site Plans (12)
5. Check in the amount of \$570.00

If you have any questions, please give me a call.

Sincerely,


Barbara W. Ormord
Legal Assistant

bw

cc: Robert A. Hoffman, Esquire
TOIDOC51/BAW01/0023782.01

MICROFILMED

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

Ervin McDaniel

OP

John Lewis

PDM zoning Row

Peter Swanson

Economic Development

R. Bruce Seeley

DEPRM

Bob Bowling

PDM / DPR

Steve HANDRAS

State Highway

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman

Ed Haile

Geo. Daniels

Charles Main

C. Richard Moore

Bernard Ruocco

210 Allegheny Ave

DMW

Wells and Assoc

263 Crown Rd Girard Md 21093

MICROFILMED

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Robert & Della Maranto

1112 Middle River Rd. 21220

Glenn Rutkowski, Property MGR.

~~2300 Pine Ave 21237~~

CLINTON MAGSAMEN

1206 Middle River Rd

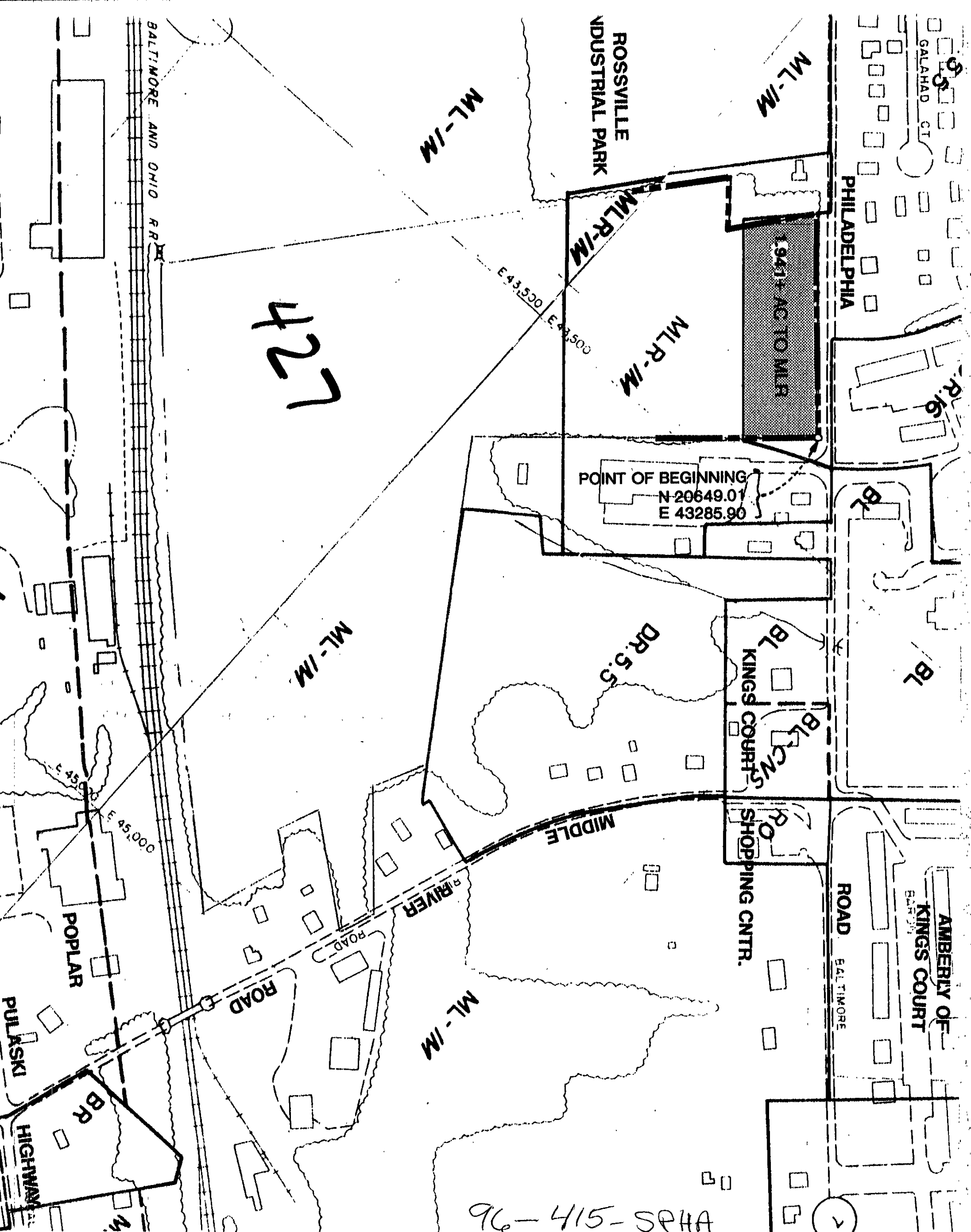
→ Menton Property Services

Balto 21220

102 W. PENN AVE #404

TOWSON, MD 21204

MICROFILMED

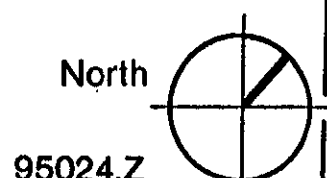


ROC ENTERPRISES GROUP LLC
PLAN TO ACCOMPANY ZONING PETITIONS

A PORTION OF 1992 ZONING MAP NO. N.E. 5H & 6H
SCALE : 1" = 200'

DMW Deft McCune Walker, Inc.
300 B. Pennsylvania Avenue
Towson, Maryland 21206
(410) 306-3333
Fax: 306-6708

MICROFILMED



IN RE: DEV. PLAN HEARING & PETITIONS * BEFORE THE HEARING OFFICER/
FOR SPECIAL HEARING & VARIANCE * ZONING COMMISSIONER
SE/S Philadelphia Road, SW of *
King Ave, SW of Middle River Rd. * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District *
Legal Owner: ROC Enterprises, * Case No. XV-654 & 96-415-SPHA
Group, LLC *
ROC Enterprises Group, LLC, *
Developer * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined hearing, pursuant to the authority provided by Section 26-206.1 of the Baltimore County Code. Favorable consideration by the Hearing Officer is requested of the Red Lined development plan (Developer's Exhibit No. 1), which depicts the proposed development of the subject site. That plan, prepared by Daft, McCune, Walker, Inc. shows proposed construction on the subject site of 3 warehouse buildings, totalling 220,000 sq. ft. Consideration of the development plan is coupled with Petitions for Special Hearing and Variance. Special Hearing relief is requested to approve off-street industrial parking in a residential zone pursuant to Section 1801.1.B.1.e(2) of the Baltimore County Zoning Regulations (BCZR). Three variances are necessary. They are:

1. A variance from Section 250.4 of the BCZR to permit structures to be as close as 12 ft. from an internal residential zone line in lieu of the required 100 ft..
2. A variance from Section 250.6 of the BCZR to permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25 ft. setback, and
3. A variance from Section 1801.1.B.1.c(1) of the BCZR to modify the amount of Residential Transition Area (RTA) by permitting the buffer and parking setback to be as close as 30 ft. from the tract boundary, in lieu

ORDER RECEIVED FOR FILING
Date 6/19/96
By M. H. H. H.

of the 50 ft. buffer and 75 ft. setback required.

As to the history of the project, a Concept Plan was initially submitted on June 12, 1995. As required by the development regulations, a Community Input Meeting was conducted on July 12, 1995 at the White Marsh Library. Thereafter, the Development Plan was submitted and a conference was held thereon on May 1, 1996. The Hearing Officer/Zoning Commissioner's hearing was scheduled and conducted in its entirety on May 30, 1996 at 9:00 A.M. in Room 118, Old Court House.

Appearing at the requisite public hearing was Bernard Ruocco on behalf of ROC Enterprises Group, LLC, Developer/Petitioner/property owner. Also present on behalf of the Developer/Petitioner was Ed Haile, George Gavrelis, and Charles Main from Daft, McCune, Walker. C. Richard Moore, a traffic expert from Wells and Associates, also appeared. The Developer/Petitioner was represented by Robert A. Hoffman, Esquire.

Also present were representatives of the various Baltimore County agencies who evaluated the project. These included David Flowers, the Project Manager, John Lewis and Bob Bowling from the Office of Permits and Development Management (PDM), R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM), and Steve Mandras from State Highway Administration.

Interested citizens who appeared at the hearing were Robert and Della Maranto, Glenn Rutkowski and Clinton Magsamen.

An examination of Petitioner's Exhibit No. 1 shows that the subject property is an L shaped lot approximately 30.52 acres in area. The site is largely zoned M.L.-I.M. (22.92 acres), with a small portion of M.L.R.-I.M. zoning (5.27) acres and D.R.5.5 (2.33) The property contains frontage on both Philadelphia Road (Md. Route 7) and Middle River Road. Presently, the site is unimproved.

- 2 -

ORDER RECEIVED FOR FILING
Date 6/19/96
By M. H. H. H.

The Developer proposes constructing three warehouse buildings on the property. Two of the buildings will be in that portion of the property closest to Philadelphia Road and vehicular access will be provided therefrom. The largest building will be constructed near the proposed Middle River Road access. The buildings will be leased so as to provide storage facilities for companies and businesses. The proposed use is permitted by right in the M.L.-I.M. zone. The surrounding area contains mixed uses. There are some single family dwellings in the immediate area of the subject site and the community of Kings Court is located nearby. However, the surrounding locale does feature some business/commercial/industrial use, including a shopping center and several small commercial operations.

The hearing was bifurcated to first consider the merits of the development plan. As required by Section 26-206 of the Code, I, as Hearing Officer, asked the participants at the hearing to identify any open issues or unresolved development plan comments. In this regard, Mr. Hoffman, on behalf of the Developer, indicated that there were no development plan issues outstanding. He did indicate that there were several small refinements to the plan necessary to reflect the fact that water service to the site is available, that a small area within the forest buffer would be utilized to provide amenity open space for employees of the buildings and that, pursuant to the agreement reached by the Developer with Mr. Lewis of PDM, no separate site development plan will be submitted, as would be required by Section 252 of the BCZR. But for these minor revisions, Mr. Hoffman averred that the plan was in compliance with all County regulations, policies and procedures. Mr. Hoffman's proffer was corroborated by the agency representatives who were present. These representatives indicated that the plan was appropriate and complied with their respective agency requirements. Although raising several questions relating to the

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ORDER RECEIVED FOR FILING
Date 6/19/96
By M. H. H. H.

plan, the Protestants did not identify any outstanding or unresolved issues or objections.

Based on testimony and evidence presented, it is clear that the development plan should and must be approved. I hereby find that the plan is in compliance with all development policies, regulations and procedures promulgated by Baltimore County. As such, the development plan should and must be approved.

As to the zoning relief, Mr. Hoffman proffered the testimony of George Gavrelis, an expert land planner from Daft, McCune, Walker, Inc. The Petition for Special Hearing is necessary because of the small portion of D.R.5.5 acreage near the Philadelphia Road frontage of the site. In this regard, Mr. Hoffman indicated that a portion of that acreage would be utilized for a parking lot. The lot will park passenger automobiles only and will be appropriately setback and buffered from Philadelphia Road. In my judgment, the Petition for Special Hearing should be granted, in that it is clear that utilization of the site in that manner will not be detrimental to the health, safety or general welfare of the locale.

Zoning variances also spring from the internal D.R.5.5 zone line. As described above, certain setbacks are required from the D.R.5.5 acreage. Strict adherence to those regulations, in this case, would be unduly burdensome and cause the Petitioner practical difficulty. Moreover, relief can be granted in this regard without detriment to the surrounding locale. For these reasons, I find that the Petitioner has complied with Section 307.1 of the BCZR relating to variances and the case law.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the develop-

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ORDER RECEIVED FOR FILING
Date 6/19/96
By M. H. H. H.

ment plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County this 5th day of June 1996, that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for off-street industrial parking in a residential zone, pursuant to Section 1801.1.B.1.e(2) of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section from Section 250.4 of the BCZR to permit structures to be as close as 12 ft. from an internal residential zone line in lieu of the required 100 ft.; and,

IT IS FURTHER ORDERED that a variance from Section 250.6 of the BCZR to permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25 ft. setback; and,

IT IS FURTHER ORDERED that a variance from Section 1801.1.B.1.c(1) of the BCZR to modify the amount of Residential Transition Area (RTA) by permitting the buffer and parking setback to be as close as 30 ft. from the tract boundary, in lieu of the 50 ft. buffer and 75 ft. setback required, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

ORDER RECEIVED FOR FILING
Date 6/19/96
By M. H. H. H.

- 5 -

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/19/96
By M. H. H. H.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-1386

June 4, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. XV-654 and 96-415-SPHA
Development Plan Order & Petitions for Special Hearing & Variance
Project: Ruocco property
Applicant/property owner: ROC Enterprises Group, LLC
Developer: ROC Enterprises Group, LLC

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petitions for Special Hearing and Variance have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

encl.

c: Mr. Bernard Ruocco, 2 Southerly Road, Su 404, Towson, Md. 21204
c: Mr. David C. Flowers, Project Manager

- 6 -



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at South side Philadelphia Road approximately 780 feet west of Middle River Road

96-415-SPHA
which is presently zoned DR5.5, SCL, M-10000
This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
off-street industrial parking in a residential zone, Section 1801.1.B.1e(2).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Towson

MD

21204

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing the following dates

Next Two Months

ALL OTHER

REVIEWED BY

DATE

(We do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition)

Legal Owner(s):

ROC Enterprises Group, LLC

(Type or Print Name)

Signature

Bernie Ruocco, Member

(Type or Print Name)

Signature

2 Southerly Rd.

Suite 404

Address

Towson

MD

21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative as co-owner

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave., Towson, MD 21204

(410) 494-6200

Address

Phone No

DROP-OFF
No REVIEW
#51196
WCR



Petition for Variance 427

to the Zoning Commissioner of Baltimore County
for the property located at South side Philadelphia Road approximately
780 feet west of Middle River Road
which is presently zoned DR5.5, ~~ML~~, ~~SR~~

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made part of herof, hereby petition for a Variance from Section(s)
See Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

to be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
ROC Enterprises Group, LLC
(Type or Print Name)
Signature: *[Signature]*
Address: 210 Allegheny Avenue, Suite 404, Towson, MD 21204
City: Towson State: MD Zipcode: 21204
Phone No: (410) 494-6200

Contract Purchaser/Lessee:
(Type or Print Name)
Signature: *[Signature]*
Address: 210 Allegheny Avenue, Suite 404, Towson, MD 21204
City: Towson State: MD Zipcode: 21204
Phone No: (410) 494-6200

Attorney for Petitioner:
Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)
Signature: *[Signature]*
Address: 210 Allegheny Avenue, Suite 404, Towson, MD 21204
City: Towson State: MD Zipcode: 21204
Phone No: (410) 494-6200

ESTIMATED LENGTH OF HEARING
unavailable for hearing the following dates
Next Two Months ALL OTHER DATE
REVIEWED BY: DATE

VARIANCES/MODIFICATIONS 96-415-SPHA

- Section 250.4 -- To permit structures to be as close as 12 feet from an internal residential zone line in lieu of the required 100-foot setback.
- Section 250.6 -- To permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25-foot setback.
- Section 1B01.1B.1c(1) -- To modify the amount of RTA by permitting the buffer and parking setback to be as close as 30 feet from the tract boundary in lieu of the 50-foot buffer and 75-foot setback required by Section 1B01.1B.1c(2).

T01DOCS\BAW01\0023757.01

DMW

Dan McCune-Walker, Inc.
200 East Philadelphia Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4795

A Team of Land Owners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Description 96-415-SPHA
To Accompany Petition for
Zoning Variance and Special Hearing
1.941 Acre Parcel
Southeast Side of Philadelphia Road
Southwest of King Avenue

Beginning for the same on the southeast side of Philadelphia Road (Maryland Route 7) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Philadelphia Road with the centerline of King Avenue (1) South 48 degrees 40 minutes 19 seconds West along the centerline of Philadelphia Road 75 feet, more or less, and thence (2) South 41 degrees 19 minutes 41 seconds East 35 feet to the point of beginning; thence leaving said beginning point (1) South 40 degrees 55 minutes 03 seconds East 168.10 feet to intersect the zoning line separating the DR-5.5 zone from the MLR-IM zone as shown on the 1992 Comprehensive Zoning Map of Baltimore County, thence binding thereon the two following courses and distances, viz: (2) South 48 degrees 18 minutes 35 seconds West 490.13 feet, and thence (3) North 46 degrees 27 minutes 29 seconds West 171.88 feet to intersect the aforementioned side of Philadelphia Road, thence binding thereon (4) North 48 degrees 40 minutes 19 seconds East 506.69 feet to the point of beginning; containing 1.941 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 30, 1996
Project No. 95024.D (L95024D)



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1574 Date of Posting: 5/1/96
Posted for: Sarah Hoffman & Venable
Petitioner: ROC Enterprises Group, LLC
Location of property: SE/S Philadelphia Rd, SW of Middle River Rd
Location of Signs: Four signs at property being zoned
Remarks:
Posted by: *[Signature]* Date of return: 5/1/96
Number of Signs: 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1574 Date of Posting: 5/1/96
Posted for: May 30, 1996 7:07H
Petitioner: ROC Enterprises Group, LLC
Location of property: SE/S Philadelphia Rd, SW of Middle River Rd
Location of Signs: Four signs at property being zoned
Remarks:
Posted by: *[Signature]* Date of return: 5/1/96
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 5/1/96 ACCOUNT: 001-6150
AMOUNT: \$ 570.00 (WCR)
RECEIVED FROM: Venable, Baetjer & Howard
FOR: #040 - COMM. SPEC. HEARING - \$250.00
#020 - COMM. VARIANCE - \$450.00
#030 - SIGN POSTING (2) - \$ 70.00
\$570.00
S/S Philadelphia Road
SW of Middle River Road
SECTION 11, TOWNSHIP 11, RANGE 12
BALTIMORE COUNTY, MD 21204
VALIDATION OR SIGNATURE OF CASHIER: *[Signature]*
96-415

TO: PUTNEY PUBLISHING COMPANY
May 9, 1996 Issue - Jeffersonian

Please forward billing to:
Barbara W. Ormond
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-415-SPHA
SE/S Philadelphia Road, SW of King Avenue, SW of Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): ROC Enterprises Group, LLC

Special Hearing to approve off-street industrial parking in a residential zone.
Variance to permit structures to be as close as 12 feet from an internal residential zone line in lieu of the required 100 foot setback; to permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25 foot setback; and to modify the amount of RTA by permitting the buffer and parking setback to be as close as 30 feet from the tract boundary in lieu of the 50 foot buffer and 75 foot setback required.
HEARING: THURSDAY, MAY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING
Project Number: 96-415-SPHA
Project Name: Rococo Property aka Philadelphia Road Property
Location: SE/S Philadelphia Road, SW of Middle River Road
Acre: 30.52
Developer: ROC Enterprises Group, LLC
Proposal: Commercial Warehouse and Storage 325,000 sq. ft.

and

CASE NUMBER: 96-415-SPHA
SE/S Philadelphia Road, SW of King Avenue, SW of Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): ROC Enterprises Group, LLC

Special Hearing to approve off-street industrial parking in a residential zone.
Variance to permit structures to be as close as 12 feet from an internal residential zone line in lieu of the required 100 foot setback; to permit off-street parking areas to abut an internal residential zone boundary in lieu of the required 25 foot setback; and to modify the amount of RTA by permitting the buffer and parking setback to be as close as 30 feet from the tract boundary in lieu of the 50 foot buffer and 75 foot setback required.
HEARING: THURSDAY, MAY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

[Signature]
Arnold Jablon
Director

cc: ROC Enterprises Group, Inc.
Robert A. Hoffman

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 28, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 427
Case No.: 96-415-SPHA
Petitioner: ROC Enterprises

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 1, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management Date: May 20, 1996

FROM: Robert M. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for May 20, 1996
Item No. 427

The Development Plans Review Division has reviewed the subject zoning item. The future 70-foot right-of-way for Yellow Brick Road as shown on the plan is acceptable, but the proposed grading along the parking areas, and the private stormwater management facility must be compatible with the future grade along Yellow Brick Road.

As shown, the grading along the proposed parking lot at the Yellow Brick Road right-of-way would require a retaining wall.

The County does not want increased expenditures on unnecessary improvements.

See the Highway Design Section of the Bureau of Engineering for the profile grade along the future Yellow Brick Road.

A full review of the submitted Schematic Landscape Plan will be provided by this office at the Development Plan stage.

RWB:HJO:jrb

cc: File

ZONE10B

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
May 16, 1996

FROM: Patricia M. Farr
DEPRM

SUBJECT: Zoning Item #427 - Ruocco Property
South side of Philadelphia Road
Zoning Advisory Committee Meeting of May 13, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

All development plan review comments made by this Department at the 5/1/96 Development Plan Conference must be fully addressed prior to approval of the plan by the Hearing Officer.

PMF:GS:sp

RUOCCO2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

May 21, 1996

Ms. Joyce Watson
Baltimore County Office of
Permits and Development
Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 7 (Southeast Side)
Ruocco Property
70' Southeast of
King Avenue
Special Hearing and
Variance Request
Item #427
Mile Post 4.49

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our recent review of the development plan for the subject development and in our April 30th letter to Mr. Donald T. Roscoe, Development Manager for Baltimore County, we indicated we cannot support approval of the plan and will not issue an access permit for entrance construction until we receive a traffic impact analysis and updated plans indicating line of sight profile data at the proposed entrance located on MD 7.

As of the date of this letter, we have not received the updated plans or traffic impact study submittals.

Although we have no objection to approval of the special hearing and variance request as submitted, our aforementioned development plan comments indicated in our April 30th letter remain valid.

Should you have any questions, please contact Bob Small of this office at (410) 545-5581.

Very truly yours,

David M. Kamey
Ronald Burns, Chief
Engineering Access Permits
Division

BS/maw

cc: Mr. Charles Main (410) 545-5600

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ROC ENTERPRISES GROUP, LLC

Location: SE/5 PHILADELPHIA RD. (ROUTE 7). 70' SW OF CENTERLINE
KING AVE. (RUOCCO PROPERTY, FKA PHILADELPHIA ROAD PROPERTY)

Item No.: 427 Zoning Agenda: SPECIAL HEARING / VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERHARD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 20, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #427)
Ruocco Property
(AKA Philadelphia Road Property)
15th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Replace the zone line designations as shown on the CPC plan. Due to manifold zone lines on and adjacent to the site, clear labeling of all zone lines within 200 feet of the site is required for zoning review.
2. The provided zoning description only covers the special hearing (D.R.-5.5 zoned) area. Variances for building and parking setbacks are not within this area. A second description for the M.L.R. variances is required to complete the filing application.
3. The petition for variance will also require a change to the zoning designation shown as D.R.-5.5 only.

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Robert A. Hoffman, Esquire
May 20, 1996
Page 2

4. Dimension all setbacks being variances at their location on the plan.
5. The 100-foot RTA area must also be labeled and shown. Label and dimension the 75-foot RTA setbacks and the 50-foot RTA buffers. Provide and designate on the plan print the required and applicable RTA buffers with a conspicuous bold line around the boundary and remove all other uses, except those drives as permitted under the CMDP.
6. Correct blocked parking, which does not comply with Section 409.4 (BCZR) as stated on the comments to Mr. Ed Hille and Robert Hoffman. Show the off-street parking for the M.L. zoned building.
7. Note if all or part of the site is, or is not, in a 100-year flood plain. If so, show the limits and list any necessary actions to resolve the issue.
8. Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with the BCZR, Section 413 and all zoning sign policies or a zoning variance is required. Correct sign note #18 (0.13 acres?).
9. Be aware that these comments only address the basic zoning petition filing application issues and are not intended to supersede the development plan comments of 5/1/96. Both the zoning and development plans must be in agreement.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,
John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner
David Flowers, Project Manager

VENABLE
ATTORNEYS AT LAW

210 Allegheny Avenue
Post Office Box 3517
Towson, Maryland 21208-3517
(410) 494-6300, Fax (410) 491-0147

OFFICE IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
410-494-6281

April 30, 1996

Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Legal Owner: ROC Enterprises Group, LLC
Property Location: South side Philadelphia Road
approximately 780 feet west of Middle River Road
Petition for Special Hearing and Variance

Dear Mr. Richards:

I am hereby dropping filing the enclosed Petitions for Special Hearing and Variance with regard to the above captioned property. This request is being submitted in response to the Development Plan comments made by John Lewis (File No. XV-654). Also, pursuant to Zoning Enforcement, there are no outstanding zoning violations on site. Enclosed for submittal are the following documents:

1. Petition for Variance (3)
2. Petition for Special Hearing (3)
3. Zoning description (3)
4. 200' scale zoning map (1)
5. Site Plans (12)
6. Check in the amount of \$570.00

If you have any questions, please give me a call.

Sincerely,

Barbara W. Ormond
Barbara W. Ormond
Legal Assistant

bw
cc: Robert A. Hoffman, Esquire
70100CS1/BAW000027K21

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
James H. ...	OP
John Lewis	PDM Zone 2 - Row
John Swanson	Economic Development
R. Bruce Spoley	DEPRM
Bob Bowling	PDM / DR
Steve Mandras	State Highway

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave
Ed Hille	
Geo. Gervelle	1146
Charles Main	
Ch. Richard Morris	Hills and George
Bruce Russett	365 Russell Avenue Rd 2003

